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**MORGAN LEWIS & BOCKIUS LLP**  
**1111 PENNSYLVANIA AVENUE NW**  
**WASHINGTON DC 20004**

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**OFFICE OF PETITIONS**

In re Application of

Burnett et al.

Application No. 10/722,134

Filed: November 26, 2003

Attorney Docket No. 054824-5001-02

**ON PETITION**

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Liana Walsh  
Petitions Examiner  
Office of Petitions